

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION**

**ANGELA TORRES, an individual,**

Case No. 3:17-cv-01270-AC

**Plaintiff.**

V.

**ALIREZA ZAMANIZADEH, a/k/a ALI ZAMANI, an individual, and ADULT CARE SEARCH, a foreign non-profit corporation.**

## ANSWER, AFFIRMATIVE DEFENSES, COUNTERCLAIMS, AND DEMAND FOR JURY TRIAL UNDER FRCP 38

## Defendants.

18 For its Answer and Affirmative Defenses to the Complaint of Plaintiff, Angela  
19 Torres (hereinafter referred to as “Plaintiff”), Defendants Alireza Zamanizadeh a/k/a Ali  
20 Zamani and Adult Care Search (hereinafter referred to as “Defendants”), by and  
21 through its attorneys Timothy J. Calderbank of Landerholm, P.S., admits, denies and  
22 alleges as follows:

## **JURISDICTION AND VENUE**

1.

25 Defendants admit the allegations contained in paragraph 1 of Plaintiff's  
26 Complaint.

1 **PARTIES**

2.

3 Defendants admit the allegations contained in paragraph 2 of Plaintiff's  
4 Complaint.

5.

6 Defendants admit the allegations contained in paragraph 3 of Plaintiff's  
7 Complaint.

8.

9 Defendants admit the allegations contained in paragraph 4 of Plaintiff's  
10 Complaint.

11 **GENERAL ALLEGATIONS**

12.

13 Defendants deny the allegations contained in paragraph 5 of Plaintiff's  
14 Complaint.

15.

16 Defendants admit that Plaintiff was eager to initiate and continue a romantic  
17 relationship with Defendant Zamani, but that he mostly rebuffed such advances.

18.

19 Defendants deny the allegations contained in paragraph 7 of Plaintiff's  
20 Complaint.

21.

22 Defendants deny the allegations contained in paragraph 8 of Plaintiff's  
23 Complaint.

24.

25 Defendants deny the allegations contained in paragraph 9 of Plaintiff's  
26 Complaint.

1 10.

2 Defendants deny the allegations contained in paragraph 10 of Plaintiff's  
3 Complaint.

4 11.

5 Defendants admit they shared property photos with Plaintiff but deny the  
6 remaining allegations contained in paragraph 11 of Plaintiff's Complaint.

7 12.

8 Defendants deny the allegations contained in paragraph 12 of Plaintiff's  
9 Complaint.

10 13.

11 Defendants deny the allegations contained in paragraph 13 of Plaintiff's  
12 Complaint.

13 14.

14 Defendants admit / deny the allegations contained in paragraph 14 of Plaintiff's  
15 Complaint.

16 15.

17 Defendants admit Defendant Zamani returned from Iran and deny the remaining  
18 allegations contained in paragraph 15 of Plaintiff's Complaint.

19 16.

20 Defendants deny the allegations contained in paragraph 16 of Plaintiff's  
21 Complaint and are otherwise without sufficient information to form a belief.

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26 ///

## **FIRST CLAIM FOR RELIEF**

## FRAUD

17.

4 Defendants answer paragraphs 1 through 16 of Plaintiff's Complaint by re-  
5 alleging – and incorporating herein by this reference – the admissions, denials, and  
6 affirmative allegations set forth above.

18.

8 Defendants deny the allegations contained in paragraph 18 of Plaintiff's  
9 Complaint.

10 19.

11 Defendants deny the allegations contained in paragraph 19 of Plaintiff's  
12 Complaint.

13 20.

14 Defendants deny the allegations contained in paragraph 20 of Plaintiff's  
15 Complaint.

16 21.

17 Defendants deny the allegations contained in paragraph 21 of Plaintiff's  
18 Complaint.

19 22.

20 Defendants deny the allegations contained in paragraph 22 of Plaintiff's  
21 Complaint.

22 23.

23 Defendants deny the allegations contained in paragraph 23 of Plaintiff's  
24 Complaint.

25 //

26 //

1 24.

2 Defendants deny the allegations contained in paragraph 24 of Plaintiff's  
3 Complaint.

4 25.

5 Defendants deny the allegations contained in paragraph 25 of Plaintiff's  
6 Complaint.

7 26.

8 Defendants deny the allegations contained in paragraph 26 of Plaintiff's  
9 Complaint.

10 **SECOND CLAIM FOR RELIEF**

11 **UNJUST ENRICHMENT**

12 27.

13 Defendants answer paragraphs 1 through 26 of Plaintiff's Complaint by re-  
14 alleging – and incorporating herein by this reference – the admissions, denials, and  
15 affirmative allegations set forth above.

16 28.

17 Defendants deny the allegations contained in paragraph 28 of Plaintiff's  
18 Complaint.

19 29.

20 Defendants deny the allegations contained in paragraph 29 of Plaintiff's  
21 Complaint.

22 30.

23 Defendants deny the allegations contained in paragraph 30 of Plaintiff's  
24 Complaint.

25 All allegations not expressly admitted are denied.

26

1 FURTHER ANSWERING PLAINTIFF'S COMPLAINT AND BY WAY OF  
2 AFFIRMATIVE DEFENSES, Defendants Alireza Zamanizadeh, a/k/a Ali Zamani and  
3 Adult Care Search alleges:

4 **AFFIRMATIVE DEFENSES**

5 For its Affirmative Defenses, Defendants Alireza Zamanizadeh, a/k/a Ali  
6 Zamani and Adult Care Search allege as follows:

7 1.

8 **FIRST AFFIRMATIVE DEFENSE**  
9 **(Failure to State a Claim)**

10 Plaintiff has failed to allege sufficient facts to state claims for which relief may  
11 be granted.

12 2.

13 **SECOND AFFIRMATIVE DEFENSE**  
14 **(Contributory Negligence)**

15 The damages at issue in this matter, if any, were caused, in whole or in part, by  
16 the negligence of Plaintiff and/or by those for whom Plaintiff is responsible.

17 3.

18 **THIRD AFFIRMATIVE DEFENSE**  
19 **(Fault of Others)**

20 The damages at issue in this matter, if any, were caused in whole or in part, by  
21 the fault of others.

22 4.

23 **FOURTH AFFIRMATIVE DEFENSE**  
24 **(Estoppel/Waiver)**

25 By its acts and omissions, Plaintiff has, in whole or in part, waived its right to  
26 assert claims, or are estopped from asserting claims, in this matter.

27 ///

28 ///

1

5.

2

**FIFTH AFFIRMATIVE DEFENSE  
(Failure to Mitigate)**

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4

Plaintiff failed to take all reasonable and necessary steps to mitigate the damages  
at issue in this matter.

5

6.

6

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**SIXTH AFFIRMATIVE DEFENSE  
(Unclean Hands)**

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9

Plaintiff is barred from asserting claims against Defendants under the doctrine of  
unclean hands.

10

11

Defendants reserve the right to amend this Answer and Affirmative Defenses to  
conform to the evidence.

12

13

**FIRST COUNTERCLAIM  
(Negligence)**

14

7.

15

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17

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Plaintiff was aware that Defendant Zamani was conducting sensitive business  
matters in the Republic of Iran. She was aware that his communications were being  
monitored while he was in the Republic of Iran, and Defendant Zamani instructed  
Plaintiff not to contact him while he was there and to not discuss certain matters as such  
communications were monitored by the State.

20

21

22

Plaintiff was aware that if she communicated with Defendant Zamani while he  
was in the Republic of Iran the security forces would use such communications as a  
pretext for detaining Defendant Zamani and demand a “ransom” for his release.

23

8.

24

25

26

Plaintiff owed Defendant a duty to take or not take reasonable actions to not  
endanger Defendant Zamani’s person or property and did breach said duties by directly

1 contacting the Defendant while he was in Iran and by discussing certain matters while  
2 knowingly under surveillance.

3 9.

4 It was reasonably foreseeable that such actions and omissions by Plaintiff would  
5 result in harm or property damages to Defendant Zamani. As a direct and proximate  
6 result of Plaintiff's negligence, Defendants have incurred damages to be proven at trial,  
7 but in an amount not less than \$650,000.00.

8 **SECOND COUNTERCLAIM**  
9 **(Attorneys' Fees)**

10 10.

11 As a prevailing party, Defendants are entitled to an award of their expert and  
12 attorneys' fees and costs pursuant to the applicable terms of any contract between the  
13 parties and/or pursuant to statute and/or under principles of common law indemnity.

14 HAVING FULLY and ADEQUATELY answered Plaintiff's Complaint, and  
15 raised their affirmative defenses and counterclaims, Defendants pray for the following  
16 relief:

17 A. Plaintiff's Complaint be dismissed with prejudice.  
18 B. For a judgment in their favor on the above noted counterclaims.  
19 C. For an award of Defendants' attorneys' fees, costs and disbursements  
20 incurred herein.  
21 D. For such further and other relief as the Court deems just and equitable.

22 DATED this 21st day of September, 2017.

23 LANDERHOLM, P.S.

24 */s/ Timothy J. Calderbank*  
25 TIMOTHY J. CALDERBANK, OSB #45682  
Of Attorneys for Defendants

26

## **CERTIFICATE OF SERVICE**

2 I certify that I electronically filed the foregoing Click Here and Type with the  
3 Clerk of the Court for the United States District Court, District of Oregon, by using the  
4 CM/ECF system on 21st day of September, namely to:

David W. Richardson  
PDX Law Group, P.C.  
121 SW Morrison St, Suite 1520  
Portland, OR 97204

Signed at Vancouver, Washington this 21st day of September, 2017.

/s/ Timothy J. Calderbank  
TIMOTHY J. CALDERBANK, OSB #45682